

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

SINGULAR COMPUTING LLC,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

Civil Action No. 1:19-cv-12551-FDS

Hon. F. Dennis Saylor IV

**PLAINTIFF SINGULAR COMPUTING LLC’S ASSENTED TO
MOTION TO IMPOUND PURSUANT TO LOCAL RULE 7.2**

Pursuant to Local Rule 7.2 and the Protective Order in this case (“Protective Order”), ECF No. 74-1, Plaintiff Singular Computing LLC (“Singular”) respectfully requests that this Court impound (seal) (i) certain exhibits to the Declaration of Kevin Gannon in Support of Singular’s Opposition to Google’s Motion to Compel (“the Gannon Declaration”) and (ii) portions of Singular’s Opposition to Google’s Motion to Compel. The exhibits to be sealed are identified below.

The Protective Order allows a party producing documents in discovery to designate documents as “Confidential” after making a good-faith determination that the documents contain information that is “confidential, proprietary, and/or commercially sensitive information.” Protective Order ¶¶ 6-7. That Order requires that a party intending to make court filings referring to “Confidential” information bring a motion to impound. *Id.* ¶ 14. The following exhibits to the Gannon Declaration contain documents that Singular has designated as containing confidential information:

- Exhibit B, is a “narrative” Response to Google LLC’s Interrogatory No. 11 which has been designated “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” by Singular;
- Exhibit D, a copy of documents numbered SINGULAR-00011086; SINGULAR-00011089; SINGULAR-00011091; SINGULAR-00011099; SINGULAR-00011101;
- Exhibit E, a copy of documents numbered SINGULAR-00009104; SINGULAR-00009110; SINGULAR-00009115; SINGULAR-00009116; and
- Exhibit F, a copy of documents numbered SINGULAR-00007143; SINGULAR-00007144; SINGULAR-00007153.

Singular’s Opposition quotes from and discusses these confidential exhibits. A redacted, public version of Singular’s Opposition to Google’s Motion to Compel will be filed concurrently with this motion.

For the foregoing reasons, Singular respectfully requests that the Court permit it to file (i) the above-identified exhibits under seal and (ii) those portions of Singular’s Opposition to Google’s Motion to Compel that quote from and discuss these exhibits because these documents contain confidential business information. Singular further requests that the documents remain impounded until further order by the Court, and that upon expiration of the impoundment that the documents be returned to Singular’s counsel.

Dated: January 28, 2021

Respectfully submitted,

/s/ Kevin Gannon

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ATTORNEYS FOR THE PLAINTIFF

LOCAL RULE 7.1(a)(2) CERTIFICATION

I, Kevin Gannon, counsel for Plaintiff, hereby certifies that I conferred with Defendant's counsel in a good-faith attempt to resolve or narrow the issue raised by this motion. Defendant's counsel informed me that Google assents to the relief sought in this motion.

/s/ Kevin Gannon

CERTIFICATE OF SERVICE

I certify that on January 28, 2021, I served this document on Defendant by causing a copy to be sent via electronic mail to its counsel of record.

/s/ Kevin Gannon